



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,514	06/16/2006	Appolonius H. Jacobus Van Der Wiel	016998-004100US	6087
20350 7590 05/04/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
LEE, HSIEN MING				
ART UNIT		PAPER NUMBER		
2823				
MAIL DATE		DELIVERY MODE		
05/04/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/551,514

**Applicant(s)**

VAN DER WIEL, APOLONIUS H. JACOBUS

**Examiner**

Hsien-ming Lee

**Art Unit**

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 1-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/29/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

In this regard, although applicant submitted an Application Data Sheet (ADS) dated 10/23/2006, which contains the mailing address of the inventor, the filing data in the ADS, which was 09/29/05, is not correct. Applicant is required to clarify the foregoing issue.

### ***Drawings***

2. The drawings are objected to because lines and reference numbers are not uniform. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: please insert the following subtitles in the proper places of the entire specification: "Background of the Invention", "Summary of the Invention", Brief Description of the Drawings", and "Detailed Description of preferred embodiments." Appropriate correction is required.

***Claim Objections***

5. Claim 1 is objected to because of the following informalities: In claim 1, at line 7, changing "applying a quantity of gel to the integrated circuit such as to cover" into – applying a quantity of gel to the integrated circuit assembly to cover – is suggested. Appropriate correction is required. In claim 1, at line 13, changing "removing the assembly" into -- removing the gel-covered assembly -- is suggested.
6. Claim 2 is objected to because of the following informalities: at line 2, inserting – the – before "gel" is suggested.
7. Claim 3 is objected to because of the following informalities: at line 2, inserting – assembly – after "circuit" is suggested.
8. Claim 4 is objected to because of the following informalities: at line 2, inserting – assembly – after "circuit" is suggested.
9. Claim 5 is objected to because of the following informalities: the term "the passageway" lacks antecedent basis. Appropriate correction is required.
10. Claim 8 is objected to because of the following informalities: at line 2, inserting – assembly – after "circuit" and at line 3, inserting – of the integrated circuit assembly – after "front face" are suggested.
11. Claims 9-12 are objected to because of the following informalities: claim 9 (at line 2), claim 10 (at lines 2-3), claim 11 (at line 2) and claim 12 (at line 2), inserting – assembly – after "the integrated circuit" is suggested.

12. Claim 12 is objected to because of the following informalities: In claim 12, at line 3, "selected from" should be read as – selected from a group consisting of --.

Appropriate correction is required.

13. Claim 12 is objected to because of the following informalities: at line 4, replacing "means" with – elements – after "sensing"; at line 5, replacing "means" with – element – sensing" are suggested.

14. Claim 12 is objected to because of the following informalities: at line 6, deleting "include" before "means" is suggested.

15. Claim 12 is objected to because of the following informalities: at lines 8-9, replacing "the fluid inlet and the fluid outlet" with – a fluid inlet and a fluid outlet – is suggested.

### ***Claim Rejections - 35 USC § 112***

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

17. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at lines 13-14, limitations "an opening defined in the plastic mould encapsulating the gel-covered assembly" are not very clear. Does it mean – an opening defined in the plastic mould compound, wherein the plastic mould compound encapsulates the gel-covered assembly, -- ?

In claim 5, the flowing limitations are confusing to the examiner: "there are slots provided in the lead frame alongside that portion of the lead frame."

***Allowable Subject Matter***

18. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

19. Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

20. Claims 2-5 and 8-12 would be allowable if rewritten to overcome the objection as set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

21. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

22. The following is a statement of reasons for the indication of allowable subject matter: Brandl to US 6,395,585 teaches a method of manufacturing an encapsulated flow sensor. Brandl, however, neither teaches nor suggests the flow sensor being a calorimetric flow meter; applying a quantity of gel to an integrated circuit [assembly] to cover at least each of a fluid flow channel; inserting the gel-covered assembly into a cavity of a moulding tool; and introducing a plastic mould compound into the cavity to

encapsulate the gel-covered assembly except for the portion in contact with the cavity surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hsien-ming Lee whose telephone number is 571-272-1863. The examiner can normally be reached on Monday through Friday (8:30 ~ 17:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hsien-ming Lee/  
Primary Examiner  
Art Unit 2823

April 30, 2009



